

Kansas Administrative Regulations

Department of Health and Environment

Article 73.—Environmental Use Controls Program

28-73-6. Duration of environmental use controls.

(a) Each environmental use control shall remain in effect in perpetuity, unless the secretary approves, in writing, the removal of an environmental use control or, by its own terms, the environmental use control agreement expires.

(b) Any applicant may submit with the application a written request for approval of a provision in the environmental use control agreement specifying the number of years the environmental use control is to remain in effect. The request shall be reviewed by the secretary, and the applicant shall be notified by the secretary of the secretary's approval or denial of the request.

(c) If an approved environmental use control agreement will expire after a stated term of years or the owner seeks to terminate an environmental use control agreement, the owner shall submit a detailed work plan to the secretary that outlines the proposed methods of sampling and evaluating the residual contaminant levels on the eligible property. The owner shall submit the work plan before the expiration or termination of the environmental use control agreement. After consideration and approval of the work plan by the secretary, all of the following shall occur:

(1) The owner shall execute the approved work plan.

(2) The owner shall document and submit the results of the sampling to the secretary in a report and include recommendations for future actions to protect public health and safety and the environment at the eligible property.

(3) Following the secretary's review of the report and recommendations for future actions, the report and recommendations shall be approved, approved with conditions, or disapproved by the secretary.

(Authorized by K.S.A. 2004 Supp. 65-1,232; implementing K.S.A. 2004 Supp. 65-1,227; effective April 7, 2006.)

***** Authenticated Kansas Administrative Regulation *****